

Remarks

Applicants request a reconsideration of the present patent application in view of the following remarks. No claims have been amended, added or cancelled. Therefore, claims 13, 14 and 16-20 remain pending in the application.

Claims 13, 14, 17, 19 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,741,834 to Godwin ("the Godwin reference") in view of U.S. Patent No. 5,797,087 to Lee ("the Lee-087 reference") and U.S. Patent Publication No. 2004/0198389 to Alcock et al. ("the Alcock reference"). Applicants respectfully traverse the above rejection.

Independent claim 13 is directed to a method for providing a seamless transition between national broadcast information and local broadcast information for a receiver. The method comprises the steps of: determining if the receiver is set to a national information mode setting or a local information mode setting; upon determining when the national mode setting is detected, gathering location information of the receiver; downloading an available plurality of preferred local stations that correlate to the gathered location information; choosing a local station from the plurality of preferred local stations; determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations; playing a national broadcast signal; monitoring for a time-slot interrupt or a signal interrupt; detecting the time-slot interrupt or the signal interrupt and interrupting the national broadcast signal; and initiating the playing of a local broadcast signal.

Applicants maintain that the combination of the Godwin, Lee-087, and Alcock references does not teach or suggest a method including the step of determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations as recited in claim 13. In rejecting claim 13, the Examiner acknowledged that the Godwin reference fails to disclose the above-referenced limitation. See *Office Action mailed on October 29, 2007* ("Office Action"), pg. 2. In order to teach this particular limitation, the Alcock reference was combined with the Godwin reference. See *Office Action*, pg. 4. In particular, the Examiner stated that, in view of paragraph [0033], lines 6-8 of the Alcock reference, one of ordinary skill in the art at the time of the invention would have found it obvious to determine the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations. See *id.* Applicants submit that the portion of the Alcock reference identified by the Examiner does not teach or suggest the above-referenced limitation.

As set forth in the Amendment and Response to Final Office Action mailed on July 16, 2007 ("previous response"), the meaning of "determining" as used in claim 13 is the process of verifying that the chosen local station has been successfully tuned by the receiver through the local analog antenna thus ensuring that there is a local broadcast available to be transitioned to upon a triggering event. See *Specification*, ¶ [0029]. If the verification is successful, then no further searching is commenced. On the other hand, if the chosen local station has not been

successfully tuned, further searching is initiated. The "searching" that takes place in claim 13 is the process of attempting to tune to the chosen local station and, if not successful, attempting to successfully tune to another local station from the available plurality of preferred local stations. See *Specification*, ¶ [0029].

As noted by the Examiner, the Alcock reference states that "[t]he receiving process 32 acquires data broadcast from the base unit 33 and continues to acquire data as long as data is available." *Alcock*, ¶ [0033]; *Office Action*, pg. 4. Figure 5 of the Alcock reference shows that if no data is received, the receiving process 32 will continue to acquire broadcast data. However, the "determining" and "searching" steps that take place in claim 13 are not disclosed or otherwise suggested by paragraph [0033] or Figure 5 of the Alcock reference. All that is disclosed in the cited portions of the Alcock reference is the generic steps of receiving broadcast data as long as it is available, and continuing to acquire broadcast data if no data is received. In other words, the receiver in the Alcock reference merely acquires all broadcast data that is available at that time. During the generic receiving process outlined in paragraph [0033] of the Alcock reference, there is nothing to suggest that any type of station verification takes place, let alone verification that a chosen location station has been successfully tuned. As such, Applicants submit that the Alcock reference does not in any way suggest the step of verifying that a chosen local station has been successfully tuned, as provided in claim 13.

Furthermore, there has been no specific evidence presented to establish that the Alcock reference contemplates the step of attempting to successfully tune to another local station from the available plurality of preferred local stations if the

attempt to tune the chosen local station is not successful, as in claim 13. Again, paragraph [0033] of the Alcock reference merely discloses a generic receiving process that involves acquiring all broadcast data that is available at that time. Applicants submit that there is no suggestion within the generic receiving process outlined in paragraph [0033] of the Alcock reference to attempt to tune to another local station from the available plurality of preferred local stations if the attempt to tune the chosen local station is not successful.

Paragraph [0034] of the Alcock reference goes on to disclose a data processing protocol wherein the location of the receiver is determined, and the broadcast data received during the receiving process is discriminated to determine if the incoming data is relevant to the receiver's location. See *Alcock*, ¶ [0034]. If the data is not relevant, the broadcast data is discarded. See *id.* The discrimination process outlined in the Alcock reference is nothing more than a filtering mechanism that only permits broadcast data relating to the receiver location to be conveyed to the user. For example, the incoming broadcast data may include signals related to Boston and New York. If the receiver is located in Boston, the data processing protocol in the Alcock reference would discriminate the broadcast data to allow the Boston broadcast data to be conveyed to the user, and discard the New York broadcast data. Therefore, the discrimination process outlined in the Alcock reference relates to a filtering mechanism for broadcast data that is based on the location of the receiver (or a location specified by a user). However, Applicants submit that Alcock's filtering process does not disclose or suggest the additional steps of verifying that a chosen local station has been successfully tuned and

attempting to successfully tune to another local station from the available plurality of preferred local stations if the attempt to tune the chosen local station is not successful.

The Examiner stated that the additional steps included in claim 13 are suggested in the Alcock reference "because it can prevent switching from the satellite broadcast to an untuned station." *Office Action*, pg. 4. The Examiner failed to cite to a particular section of the Alcock reference, therefore Applicants are not clear as to the basis of this motivation statement. See *In re Beasley*, Civ. App. 04-1225, slip op. at 6-7, 2004 WL 2793170 (Fed. Cir. Dec. 7, 2004) (unpublished) (stating that conclusory statements of generalized advantages and convenient assumptions are inadequate to support a finding of motivation). The method and system disclosed in the Alcock reference relate to filtering, from a signal comprising information pertaining to a wide geographic area, geographic location specific broadcast data that only applies to a self-determined geographic location of a receiver. See *Alcock*, ¶¶ [0007]-[0009]. Given the objective and focus of the Alcock reference, Applicants submit that there has been no specific evidence presented to support the conclusion that one of ordinary skill in the art would have been motivated to modify the Godwin reference in view of the teachings of the Alcock reference to include the steps of verifying that a chosen local station has been successfully tuned and attempting to successfully tune to another local station from the available plurality of preferred local stations if the attempt to tune the chosen local station is not successful, as provided in claim 13.

For at least the foregoing reasons, Applicants submit that the combination of references does not teach or suggest all of the limitations included in claim 13. Therefore, Applicants request that the rejection of claim 13 be withdrawn. As claims 14, 17, 19 and 20 depend from claim 13, these claims are not taught or suggested by the references of record for at least the same reasons that were set forth with respect to claim 13. Applicants therefore request that the rejection of claims 14, 17, 19 and 20 be withdrawn.

Claim 16 has been rejected under 35 U.S.C § 103(a) as being unpatentable over the Godwin reference in view of the Lee-087 reference and the Alcock reference as applied to Claim 13, and in further view of U.S. Patent No. 6,829,475 to Lee et al. ("the Lee-475 reference").

As stated above with respect to claim 13, the combination of references does not teach or suggest a method including determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations as recited in claim 13. As claim 16 depends from claim 13, this claim is not taught or suggested by the references of record for at least the same reasons that were set forth with respect to claim 13. The Lee-475 reference also does not teach or suggest the limitation that was lacking in the Godwin, Lee-087, and Alcock references. Applicants therefore request that the rejection of claim 16 be withdrawn.

Claim 18 has been rejected under 35 U.S.C § 103(a) as being unpatentable over the Godwin reference in view of the Lee-087 reference and the Alcock

reference as applied to Claim 13, and in further view of U.S. Patent Publication No. 2004/0192189 to Yuhara et al. ("the Yuhara reference").

As stated above with respect to claim 13, the combination of references does not teach or suggest a method including determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations as recited in amended claim 13. As claim 18 depends from claim 13, this claim is not taught or suggested by the references of record for at least the same reasons that were set forth with respect to claim 13. The Yuhara reference also fails to teach or suggest the limitation that was lacking in the Godwin, Lee-087, and Alcock references. Applicants therefore request that the rejection of claim 18 be withdrawn.

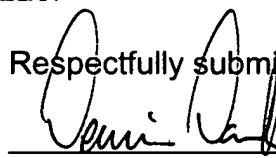
Conclusion

In light of the foregoing, Applicants submit that claims 13, 14 and 16-20 are in condition for allowance and such allowance is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, the undersigned may be contacted at the telephone number listed below to arrange for an issue resolving conference.

Applicants do not believe that any fee is due at this time. However, the Commissioner is hereby authorized to charge any fee that may have been overlooked to Deposit Account No. 10-0223.

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Respectfully submitted,



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